



# POWERS OF ATTORNEY

(10 U.S.C. § 1044b)

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## WHAT IS A POWER OF ATTORNEY?

A Power of Attorney is a legal document through which you give another person the legal authority to act for you. This person is also known as an *attorney-in-fact* or *agent*.

All Powers of Attorney fall into one of two categories: 1) Special Powers of Attorney or 2) General Powers of Attorney.

## SPECIAL POWER OF ATTORNEY

A Special Power of Attorney authorizes your agent to act on your behalf for a narrow, specified purpose. Usually, Special Powers of Attorney are only valid for a limited period of time; unless otherwise specified, that period is **one year** in Arizona or 6 months for a Parental Power of Attorney (Parental Power of Attorney is allowable for one year for military members). Health Care Powers of Attorney are valid indefinitely, unless revoked. The following non-exhaustive list contains various instances in which you may need to execute a Special Power of Attorney:

- Ship or Receive Household Goods
- Sponsor Dependents for Military ID
- Make Changes or Inquire on LES
- Initiate and Process Household Goods Claim
- Rent, Lease, Purchase or Sell Real Property
- Apply for, Accept, and Terminate Quarters/Base Housing on Base
- Cash Checks
- Withdraw or Deposit Money To/From Bank Account
- Act *in loco parentis* as a Guardian of a Minor Child
- Authorize Medical or Hospital Care for Children

## GENERAL POWER OF ATTORNEY

A General Power of Attorney provides your agent very broad powers to conduct practically all business and financial matters on your behalf.

Use caution in the execution of a General Power of Attorney. **Be sure that the person you appoint as your agent is trustworthy.** Only execute a General Power of Attorney for a limited period of time—only as long as necessary.

## **DURABLE GENERAL POWER OF ATTORNEY**

A Durable General Power of Attorney is a General Power of Attorney that becomes effective only if you are disabled or incapacitated, and thus prevented from acting on your own behalf. With a Durable General Power of Attorney, you can execute the document now, while mentally able, and it will remain ineffective until a time when you are disabled or incapacitated. Consider executing a separate Health Care Power of Attorney for medical purposes.

## **WHEN IS A POWER OF ATTORNEY NECESSARY?**

There is no law or regulation that requires you to execute a power of attorney. If you have business or financial matters that you will be unable to attend to in the near future, consider executing a power of attorney. If you are TDY or PCS overseas, a power of attorney often becomes necessary to handle simple financial matters, such as paying bills.

## **CAN A POWER OF ATTORNEY BE REVOKED?**

Yes. A Power of Attorney, whether Special or General, is automatically revoked:

1. When you die;
2. When you destroy the original and all copies of the document; or
3. On a date specified in the document.

## **WHAT ELSE DO I NEED TO KNOW BEFORE I EXECUTE A POWER OF ATTORNEY?**

**You are legally responsible for the acts of your agent.** That means if your agent secures a \$200,000 loan on your behalf you are legally responsible for the loan, although you did not actually make it yourself.

**No business or financial institution is obligated to accept a power of attorney**, regardless of whether or not it is properly executed. Further, many businesses are more likely to accept a Special Power of Attorney rather than a General Power of Attorney due to the former's limited scope. The best practice is to contact the financial institution or business that you wish to have honor the power of attorney as some have their own form to use. If they do not have a form then it is important to learn their specific requirements. The Luke Finance Office requires a Special Power of Attorney.

The base legal office drafts both special and general powers of attorney at no cost to all active duty and reserve members in Title 10 status. For more information, contact the office at (623) 856-6901.

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